

OCT 31 1990

31030/HQU/5-1  
DOR - 8/17/90

Ms. Janice Lee  
President  
RADAR, Inc.  
4949 South 25A  
Tipp City, Ohio 45371

Dear Ms. Lee:

Your Petition for Rulemaking, filed with the Commission on July 26, 1990, has been referred to this office for evaluation.

Your petition discusses the potential that radiolocation transmitters and field disturbance sensors, operating under Parts 15 and 90, have for causing interference to U. S. Government operations, especially on those frequency bands allocated primarily to the U. S. Government. You note that there is a growing proliferation of these radar transmitters. Further, because of the similarities between equipment operated under these two rule parts, you believe that some users may inadvertently operate Part 90 radiolocation equipment without the necessary Commission station license, confusing the Part 90 radar equipment with low power Part 15 non-licensed field disturbance sensors.

In order to reduce the potential for interference to U. S. Government stations, you request that Sections 15.245 and 90.103 of our rules be amended to "establish uniform frequency bands for unlicensed low power field disturbance sensors." To accomplish this, you have proposed that the Commission implement the following changes to the regulations:

- 1) Establish minimum field strength levels for all Part 90 radiolocation transmitters operating above 2435 MHz;
- 2) Amend Section 15.245 to permit Part 15 field disturbance sensors to operate in the bands 13.4-13.5 GHz and 34.3-34.5 GHz; and,
- 3) Restrict all Part 15 field disturbance sensors operating above 10.5 GHz to type NON emission.

In regard to your proposed changes to the regulations, Sections 90.103(c)(23) and (24) already provide equivalent minimum field strength levels for the 2450-2500 MHz, 10.5-10.55 GHz and 24.05-24.25 GHz bands. Minimum field strength levels are not designated for other Part 90 radiolocation bands because they are not currently available for use by field disturbance sensors on a non-licensed basis under Part 15. Your change would appear to establish minimum field strength levels for radiolocation transmitters operating in many other frequency bands.

including the two bands you propose to add to Section 15.245. However, Sections 90.103(c)(23) and (24) contain limitations that apply only to the three frequency bands in the Radiolocation Service Frequency Table contained in Section 90.103(b) for which minimum field strength levels are already specified. As these limitations do not apply to any other frequency band shown under Section 90.103(b), your proposed amendment to Part 90 would not effect a change to the rules.

Allowing non-licensed operation of Part 15 field disturbance sensors in the bands 13.4-13.5 GHz and 34.3-34.4 GHz would permit these transmitters to be used by the general public for any application in any location. Operation on a licensed basis under Part 90 of our Rules, on the other hand, restricts the use of these transmitters to known locations. These frequency bands are allocated primarily for operation by U. S. Government agencies, as regulated by the National Telecommunications and Information Administration (NTIA). Expansion of Part 15 non-licensed operation could significantly increase the proliferation of these transmitters with a corresponding increase in interference potential. Further, there have been no requests by the users of this equipment to provide operation within these bands under Part 15 of our rules. Absent such requests by equipment users and concurrence by NTIA, the Commission is not inclined to permit Part 15 operation in these bands.

With respect to your third amendment to the rules, we see no justification to restrict Part 15 field disturbance sensors operating above 10.5 GHz to the use of only type NON (A0) emissions. While field disturbance sensors would most likely use an NON emission type, this is not currently required under the rules. Because of the low power levels permitted under Part 15, there is little likelihood that the type of modulation employed would contribute to the potential for causing interference to authorized radio services. Further, such a change could unnecessarily obsolete existing Part 15 field disturbance sensors that employ a different emission type. Absent any existing interference problems, we find no justification for implementing such a change to the rules.

While you express concern that Part 90 radiolocation may be used inadvertently without the proper Commission-issued license, we are unaware that this has occurred. First, it does not appear that Part 90 radiolocation equipment is being offered for sale to the general public. Rather, the marketing of this equipment is directed towards manufacturers, police departments and other parties eligible to operate under Part 90 of our rules. Second, the higher cost associated with Part 90 equipment would tend to preclude its purchase and use by general consumers.

Your petition promotes the proposed changes to the regulations as necessary to reduce potential interference to U. S. Government operations. However, it appears that your proposals would actually increase interference potential by allowing non-licensed operation on new frequency bands that are primarily allocated to the U. S. Government. Accordingly, based on the authority contained in 47 CFR Section 0.241(e), your Petition for Rulemaking does not warrant further consideration by the Commission and is hereby dismissed without prejudice.

Questions concerning this letter should be directed to Mr. John Reed at Room 7122 at the address on the letterhead or at (202) 653-7313.

Sincerely,



Thomas P. Stanley  
Chief Engineer

cc: Robert Cutts  
Robert Bromery  
Art Wall  
Ralph Haller  
Gene Thomson  
Richard Engelman  
JAReed/kls/10-19-90

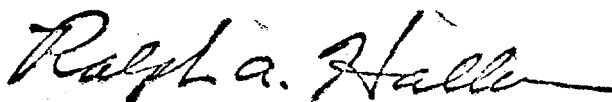
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Chief, TSB

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Chief, AED

Noted:



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Ralph A. Haller, Chief PRB